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1 9. (currently amended) The method of claim 8 6 wherein said
2 housing further includes:
3 a memory; and
4 means for selectively accessing the data representative
5 of a music title from the hard drive and storing the
6 accessed data in system memory during the audio presentation
7 of said music title.

1 10. (new) The method of claim 6 wherein said audio output
2 devices are speakers.

REMARKS

Examiner's Interview

Applicant thanks Examiner for the interview granted to his attorney on November 10, 2005. In that interview, Attorney pointed out that the Birrell et al patent (US6,332,175) completely failed to disclose the first four elements of claims 6-9 and new dependent claim 10 i.e.:

"...providing a purchaser of a portable audio system with a library of purchaser selected music titles stored in said audio system comprising:

providing a database having a plurality of music titles, each title respectively represented by stored MP3 compressed digital data;

enabling said purchaser to select a set of said music titles;

copying the MP3 compressed digital data representative of the set of purchaser selected music titles to a hard disk drive having at least 10 gigabytes of storage capacity within the housing of a portable audio system being purchased by said purchaser;...."

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Thus, the claims have been amended to cancel claims 1-5, and to amend claims 6-10 as set forth above. Accordingly, it is submitted that claims 6-10 are submitted to be unobvious over Birrell (US6,332,175) under 35 USC 103(a). Birrell fails to even hint the method of claimed doing business as described in the specification (page 4, lines 14-28); there is provided a method of doing business whereby a purchaser of a portable audio system may be provided with a library of titles to be preselected by this purchaser and stored in the portable audio system. The purchaser may be provided access via the Internet to one or many databases, each having a plurality of music titles, each title respectively represented by stored MP3 compressed digital data and the purchaser enabled to select a set of said music titles, which then may, in turn, be copied as MP3 compressed digital data representative of the set of purchaser selected music titles to the hard disk drive having at least 10 gigabytes of storage capacity within the housing of a portable audio system being of the purchaser. As set forth on page 6 of the specification, the invention involves the marketing of portable audio systems wherein the purchaser is provided with the ability of selecting a personalized library of 150 hours or more of music titles selected from almost an infinite number of titles available through the Internet.

This method of doing business is defined in independent claim 6: providing the purchaser of an audio system with a library of compressed MP3 titles in a data base, from which the purchaser is enabled to select a set of music titles and copy such titles to a hard drive of at least 10 gigabytes within a portable audio system.

Even if, as Examiner argues, Birrell shows a portable audio system with a hard drive of music titles, the reference does not disclose the business method of maintaining a database of MP3 compressed music titles.

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enabling a purchaser to buy a set which the purchaser is then permitted to copy into hard drive of the purchaser's portable audio system.

In view of the foregoing, claims 6-10 are submitted to be in condition for allowance, and such allowance is respectfully requested.

Respectfully submitted,

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